

REMARKS

This amendment is responsive to the Office Action dated July 5, 2007. Claims 1 - 14 are pending in this application and have been rejected. Reexamination is respectfully requested in view of the foregoing claims and following remarks. These remarks follow the order of the outstanding Office Action beginning at page 2.

Specification

Paragraphs [0047], [0062] and [0092] have been amended as suggested by the examiner. Still further, applicant has identified an error in paragraph [0110] and has made this correction as well.

Claim Objections

Claims 2 - 6 and 8 - 13 are amended as suggested by the examiner.

Claim 7 has been amended to delete "is" in line 1. Applicant respectfully submits that "arranged" is the verb, and no further verb is necessary.

Claim Rejections - 35 USC § 112

Claim 7 has been amended at line 8 to recite "a game". This is the initial recitation with respect to game and provides

antecedent basis for the references to the game that follow.

Claim Rejections - 35 USC § 103

The rejection of independent claims 1, 7 and 14 is respectfully traversed for the reasons that follow.

In each of the rejected independent claims, applicant recites a main data reading device, a sub data reading device, and a game controlling device. The sub data reading device in applicant's disclosure is reference numeral (7), the main reading device is applicant's reference numeral (68) and the game controlling device is shown by reference numerals (51) and (50). The sub data reading device carries data from a sub data carrier.

In the outstanding Office Action, the examiner argues that the main data carrier is shown in Figure 1 and that the sub data carrier is shown in Figure 6. Applicant respectfully submits that Stamper (GB 2334456) does not show a main data reading device (for main character) and a separate sub data reading device (including a capacity value of the sub character). Instead, Stamper shows equal game characters, such as (10) (Figure 1) or (60), (64), (68) as shown in Figure 6a - 6c. Stamper does not teach that the different figures are related as main data reading devices and sub data reading devices. Instead, in Stamper they are equal, separate, independent, and separate playing devices used in the game. They are not two devices which are related as main and sub and under the control of a player.

Stated another way, all '456 teaches is so-called main characters that are used by each player. This is the reason that the examiner had to cite page 9, lines 11 - 22 for support of capacity values of the main character and capacity values of the sub character. However, these lines do not differentiate at all between main and sub characters. Similarly, the examiner had to cite page 6, lines 18 - 21 twice in order to support the contention of main and sub data reading. Applicant, therefore, traverses the contention that Stamper in any way discloses main and sub data reading devices as claimed in combination with a game controlling device which is separate.

Next, the examiner states that Stamper does not disclose an inviting device which determines according to the capacity value of the main character and the capacity value of the sub character read by the sub data reading device whether to make the sub character appear in the game or not during the game and making the sub character appear in the game according to a result of the determination. Applicant refers the examiner to Figure 5 of applicant's specification, which shows the routine for the inviting device. At step 106 the physical power of the summoned animal (capacity value) is multiplied by 2. This is if the chosen summoned animal (invitee) is opposite to an attribute of the guardian monster (see S105). On the other hand, if the attribute of the chosen summoned animal is not opposite, than A is equal to the physical power of the summoned animal. At step

108, the physical power (capacity) of the main character is compared to the result A from either step 106 or step 107. If, and only if, the physical power of the main character is greater than A does the summoned animal appear. This is described in the last paragraph of each independent claim 1, 7 and 14. The determination of whether to make the sub character appear in the game or not during the game is according to the result of the determination. The determination is whether the physical power of the main character is greater than the value A.

Street Fighter EX3

In the rejection, the examiner has cited a print out from a web site entitled "Street Fighter EX3". Street Fighter is a set of so-called "cheats", which is a term used among players of video games. Applicant conducted a search on the Internet to find the paper entitled "Street Fighter EX3". It was found that this article relates to "cheats".

Although "Street Fighter EX3" is considered by players of the game to be a "cheat", it is in fact a collection of hidden special techniques. These hidden special techniques are part of the original software. The special techniques are discoverable by players of a game and when they are discovered, they provide the player with increased interest in the game. The hidden special techniques are not displayed clearly to the player, but instead the player must find the hidden techniques on his/her

own. The publication "Street Fighter EX3" is a publication of hidden special techniques that are keystrokes that cause a response by the computer. It is the player who is in control, in accordance with the preprogrammed hidden special techniques of play.

Applicant went to the Internet and first identified a site called "Cheat Stop" (see Exhibit 1). A reference to PlayStation2 "cheats" was found at Exhibit 1. This was clicked on. Next, Exhibit 2 shows the cheats identified by clicking on PlayStation2. In order to identify Street Fighter, S was clicked on in Exhibit 2. Once S was clicked on in Exhibit 2, Exhibit 3 was found. Exhibit 3 yielded at page 4 identification of Street Fighter EX3. When Street Fighter EX3 was clicked on, applicant found the reference cited by the examiner.

Next, as shown in Exhibit 4, it became apparent that "cheats" are information exchanged between game players and if a "cheat" is discovered, it can be shared with others through clubs and the like.

All of these cheats are merely ways to play the game, and do not indicate game function at all. Stated another way, the "cheats" do not disclose the underlying game software.

Referring now to the cited Street Fighter EX3, it is seen that at page 3, there are abbreviations and symbols relating to buttons and symbols. The symbols F, B, D, U relate to movement of a player's character. The rest of Street Fighter EX3 teaches

one how to use various combinations of buttons and symbols, or abbreviations, to play the game in order to achieve higher scores. The examiner cites "Critical Parade" found at page 5 of Street Fighter EX3. Critical Parade, however, states only that a player can initiate a double team attack against an opponent by entering a series of commands that are D, DF, F + HP + HK. Next, it states that the screen will change into a flashing background (which is not relevant) and then it states that your partner will have several seconds to gang up against your opponent. This does not indicate that there is any response which is a determination as to whether to make a sub character appear in the game or not by considering the capacity value of the main character and the capacity value of the sub character read by the sub data reading device. This, in other words, is totally unrelated to the steps 105, 106, 107 and 108 shown in applicant's Figure 5 or the last paragraph of each independent claim.

Finally, the discussion of "Critical Parade" states that, "A Critical Parade requires and uses 2 Super Combo levels from both characters." This does not state that there is determination whether to make the sub character appear in the game or not during the game according to a result of a determination based upon capacity values as claimed. In "Critical Parade", the player uses a combination of keystrokes to absolutely require the selected character to appear. There is never a determination of whether a character will appear which depends upon capacity

values of both characters.

It is respectfully submitted that the "cheat" information found in Street Fighter EX3, which goes on for 53 pages, is related to how to play the game and score high in the game with knowledge of hidden special techniques of play and discloses nothing that would suggest applicant's claimed invention.

Hindsight is not Permitted

In the outstanding Office Action at page 4, lines 8 - 10, the examiner states:

Therefore it would have been obvious to one skilled in the art to include the teachings of Street Fighter EX3 into the teachings of Stamper in order to create a more convenient and enjoyable game for players to play.

This statement is repeated at the bottom three lines of page 4, lines 8 - 10 of page 5, lines 15 - 17 of page 6, at page 7, lines 6 - 9, and at page 7, lines 6 - 3 up from the bottom. In all cases, the examiner does not show within the references how there is any teaching, suggestion or motivation to combine the two references as shown. Instead, lacking these objective teachings within the references, the examiner has attempted to justify the rejection based upon the common objective that is well known in the art, namely the objective of creating more convenient, enjoyable games for players to play. It is respectfully submitted that this is the objective of almost all video games or computerized games known today. In fact, this is the objective

of any game, namely for enjoyment of the game. If this line of reasoning is accepted, then any references that may or may not contain elements of a claim under examination will become obvious with out any teaching, suggestion or motivation to be found within the references.

The claimed invention in this application is only taught by or suggested by applicant's specification and claims. Absent the teachings of applicant's specification and claims, one cannot reasonably argue without hindsight that enjoyment of a game justifies combining unconnected references without more. This is a clear example of impermissible hindsight.

In view of the foregoing, it is respectfully submitted that the application is now in condition for allowance, and early action in accordance thereof is requested. In the event there is any reason why the application cannot be allowed in this current condition, it is respectfully requested that the Examiner contact


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the undersigned at the number listed below to resolve any problems by Interview or Examiner's Amendment.

Respectfully submitted,



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